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Attorneys for Plaintiff
United States of America

IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

Plaintiff,

v.

MICHAEL CARPENTER,

Defendant.

CASE NO. 1:21-CR-00223-JLT

STIPULATION REGARDING EXCLUDABLE
TIME PERIODS UNDER SPEEDY TRIAL ACT;
FINDINGS AND ORDER

DATE: March 12, 2024
TIME:
COURT: Hon. Jennifer L. Thurston

STIPULATION

Plaintiff United States of America, by and through its counsel of record, and defendants, by and through defendants' counsel of record, hereby stipulate as follows:

1. By previous order, this matter was set for jury trial on March 12, 2024.
2. By this stipulation, defendants now move to continue the jury trial date to September 10, 2024, and to exclude time between March 12, 2024, and September 10, 2024, under 18 U.S.C. § 3161(h)(7)(A), B(iv) [Local Code T4].
3. The parties also request a trial confirmation date of August 19, 2024, and to vacate any remaining dates.
4. The parties agree and stipulate, and request that the Court find the following:
 - a) The government has represented that the discovery associated with this case includes reports, photographs, and audio files. All of this discovery has been either produced directly to counsel and/or made available for inspection and copying.

1 b) Counsel for defendant desires additional time to further review discovery, discuss
2 potential resolution with his client and the government, and investigate and prepare for trial.

3 c) The parties are in active discussions about resolutions to this matter, and believe
4 additional time to further the discussions are in the best interest of the defendant.

5 d) Counsel for defendants believe that failure to grant the above-requested
6 continuance would deny him/her the reasonable time necessary for effective preparation, taking
7 into account the exercise of due diligence.

8 e) The government does not object to the continuance.

9 f) Based on the above-stated findings, the ends of justice served by continuing the
10 case as requested outweigh the interest of the public and the defendant in a trial within the
11 original date prescribed by the Speedy Trial Act.

12 g) For the purpose of computing time under the Speedy Trial Act, 18 U.S.C. § 3161,
13 et seq., within which trial must commence, the time period of March 12, 2024 to September 10,
14 2024, inclusive, is deemed excludable pursuant to 18 U.S.C. § 3161(h)(7)(A), B(iv) [Local Code
15 T4] because it results from a continuance granted by the Court at defendants' request on the basis
16 of the Court's finding that the ends of justice served by taking such action outweigh the best
17 interest of the public and the defendants in a speedy trial.

18 h) The parties also agree that this continuance is necessary for several reasons,
19 including but not limited to, the need to permit time for the parties to exchange supplemental
20 discovery, engage in plea negotiations, and for the defense to continue its investigation and
21 preparation, pursuant to 18 U.S.C. § 3161(h)(7)(A) and 3161(h)(7)(B)(i) and (iv).

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5. Nothing in this stipulation and order shall preclude a finding that other provisions of the Speedy Trial Act dictate that additional time periods are excludable from the period within which a trial must commence.

IT IS SO STIPULATED.

Dated: January 30, 2024

PHILLIP A. TALBERT
United States Attorney

/s/ STEPHANIE M. STOKMAN
STEPHANIE M. STOKMAN
Assistant United States Attorney

Dated: January 30, 2024

/s/ BARBARA O'NEILL
BARBARA O'NEILL
Counsel for Defendant
MICHAEL CARPENTER

FINDINGS AND ORDER

IT IS SO FOUND.

IT IS SO ORDERED.

Dated: **January 30, 2024**


UNITED STATES DISTRICT JUDGE